

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF BELLSOUTH PERSONAL)	
COMMUNICATIONS, LLC AND BELLSOUTH)	
MOBILITY, LLC, D/B/A CINGULAR WIRELESS -)	
KENTUCKY FOR ISSUANCE OF A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A WIRELESS COMMUNICATIONS)	
FACILITY AT KY HIGHWAY 358 (BANDANA ROAD),)	CASE NO.
LA CENTER, KENTUCKY 42056 IN THE WIRELESS)	2004-00168
COMMUNICATIONS LICENSE AREA IN THE)	
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF BALLARD)	
)	
SITE NAME: LA CENTER)	

O R D E R

On May 14, 2004, BellSouth Personal Communications, LLC and BellSouth Mobility, LLC, d/b/a Cingular Wireless - Kentucky ("Applicant") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 300 feet in height, with attached antenna, to be located at KY Highway 358 (Bandana Road), La Center, Ballard County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 6' 39.71" by West Longitude 88° 57' 32.43".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. The Applicant has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. The Commission received letters of concern regarding the placement of the proposed tower from Percy L. Harden on June 16, 2004 and from Darryl and Patricia Pickett on June 21, 2004. The Commission responded to both letters and set forth a specified time period that either Mr. Harden or Mr. and Mrs. Pickett could request intervention or a public hearing. The Commission has received no further correspondence from either party indicating their intention to proceed further in this matter.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the

facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a guyed antenna tower not to exceed 300 feet in height, with attached antenna, and is to be located at KY Highway 358 (Bandana Road), La Center, Ballard County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 6' 39.71" by West Longitude 88° 57' 32.43".

2. The Applicant shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within 10 days of receiving the decisions.

3. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 10th day of August, 2004.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above the text 'Executive Director'.

Executive Director

Case No. 2004-00168